A SUMMARY

OF

A BILL,

FOR

Paving, Cleanſing, and farther Enlightening,

THE

CITY of EXETER.

Be it enacted,

THAT the Mayor, Recorder, Aldermen, and Common-Council, for the Time being, the principal Inhabitants and Merchants (naming them), not leſs than Fifty, excluſive of the ſaid Body Corporate, ſhall be appointed Commiſſioners for carrying this Act into Execution: And, from Time to Time, they ſhall, and are hereby required to, aſſociate others in the room of thoſe who ſhall die, or be elected into the ſaid Body Corporate, or ſhall refuſe to act; ſo that a competent Number, not leſs than Fifty, may always execute the Powers and Truſts created by this Act; provided that no Perſon or Perſons ſhall be hereafter qualified to be elected Commiſſioners, but what ſhall, at the leaſt, be aſſeſſed weekly in the Sum of Two-pence to the Poor Rates of the ſaid City.

THAT the Powers of this Act may be executed by the major Part of ſuch Commiſſioners, not leſs than Seven, who ſhall be aſſembled in Manner hereinafter mentioned.

THAT no Contractor, nor Perſon intereſted in any Contract to be made by Virtue of this Act, ſhall act as a Commiſſioner, under the Penalty of Fifty Pounds.

THAT the Mayor ſhall call the firſt Publick Meeting; and the Majority of the Commiſſioners then preſent may adjourn where they ſhall pleaſe, within the ſaid City.

THAT the Mayor and any Two Commiſſioners, or any Seven Commiſſioners, may, from Time to Time, call a publick Meeting.

THAT Fourteen Days Notice of all publick Meetings be given in ſome Publick News-Paper; and that ſuch Notice be ſigned by the Perſons calling the ſame.

THAT the ſaid Commiſſioners may, from Time to Time, name Committees, and delegate to them the Powers of making Contracts, receiving Propoſals, and digeſting Schemes for carrying this Act into Execution; and likewiſe to ſuperintend and direct the Execution of the ſeveral Works to be carried on purſuant to this Act; and likewiſe to delegate other the like Powers.

THAT the Filth, Dung, and Rakings of the Streets, ſhall be veſted in the Commiſſioners, to be by them farmed, without Prejudice to any Right or Claim the Mayor, Bailiffs, and Commonalty, may otherwiſe have to the Soil, as Lords of the Fee: And that no Perſon or Perſons, other than thoſe authorized and appointed by the ſaid Commiſſioners, ſhall preſume to convert to their own Uſe the ſaid Filth, Dung, and Rakings, on Pain of forfeiting any Sum not exceeding the Sum of Ten Shillings for every ſuch Offence; provided, nevertheleſs, that no Perſon or Perſons ſhall be ſubject to any Penalty, for removing any Dirt, Filth, or Dung, that ſhall have been heaped up in the ſaid Streets for Hours or more, or after the ſaid Streets ſhall have been neglected to be ſwept for Day

THAT the Commiſſioners may appoint Collectors, Clerks, Treaſurers, Scavengers, Rakers, and ſuch other Officers, or any of them; and appoint them ſuch Salaries as they ſhall judge expedient.

THAT a certain Sum of Money, not exceeding ſhall be raiſed on the ſeveral Pariſhes within the ſaid City, in ſuch Shares and Proportions as the ſaid Pariſhes contribute to the Poor Rate in the preſent Year 1768. That the ſaid Sums ſhall be aſſeſſed on the Owners of Lands, Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, within the ſaid City and County thereof, and ſuch Parts of the ſaid City and County as to the ſaid Commiſſioners ſhall ſeem expedient; provided that no Shops, Warehouſes, Cellars, Vaults, or other Tenements, within the ſaid City and County thereof, receiving no Benefit or Advantage from the Proviſions of this Act, ſhall be contributory to the ſaid Rates and Aſſeſſment hereby impoſed. And that the Share of ſuch Rate or Aſſeſſment

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Aſſeſſment payable by any Pariſh ſhall be proportionably abated for, and in reſpect of, ſuch Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements, ſituated therein, and not contributory thereto, as aforeſaid.

THAT Commiſſioners and their Officers ſhall have Liberty to inſpect the Poor Rates of the ſeveral Pariſhes, within the ſaid City and County thereof.

THAT, when Houſes are let out to One or more Tenants, the Owner or Owners of the ſaid Houſe or Houſes ſhall be rated; and the Tenants or Occupiers of any Part of ſuch Houſes ſhall be compellable to pay the Whole, and may deduct the ſame out of his or her Rent.

THAT Houſes unoccupied ſhall be aſſeſſed at One Half of their Rate, and the Houſes ſhall be chargeable therewith.

THAT all Pariſh Churches, Church-Yards, Chapels, Meeting-Houſes, and publick Buildings, ſhall be rated and aſſeſſed for every ſquare Yard belonging thereunto, in ſuch Proportion as the ſaid Commiſſioners ſhall aſſeſs the ſame; and the Church-Wardens, Owners, or Proprietors thereof, ſhall, reſpectively, be compellable to pay the ſame.

THAT Rates and Aſſeſſments neglected or refuſed to be paid ſhall be levied by Diſtreſs: And the Collectors are hereby authorized to diſtrain the Goods and Chattles of Perſons ſo neglecting or refuſing, and to ſell the ſame, and to return the Overplus. If a Perſon aſſeſſed ſhall, before Payment of ſuch Aſſeſſment, remove out of the ſaid City and County thereof, a Juſtice of the Peace of the ſaid City and County may grant a Warrant of Diſtreſs, to be backed by a Juſtice of the Peace of and for any other County where ſuch Perſon ſhall remove, and the ſame ſhall be there executed.

THAT the Maſter, or other Perſon or Perſons, having the Command of any Ship, Lighter, or Veſſel, unlading, or which ſhall unlade, within the Port and Haven of Exeter, ſhall pay to the Collector or Collectors, to be appointed as aforeſaid by the ſaid Commiſſioners, for the following Goods ſo unladen, and which ſhall be conſigned, or otherwiſe come, to the Uſe of the Inhabitants of the ſaid City and County thereof, (that is to ſay) for every Quarter of Coals, of Wincheſter Meaſure, any Sum or Sums of Money not exceeding the Sum of Twopence; and for every Pipe of Wine, ſuch farther Sum or Sums of Money, not exceeding Five Shillings, as the ſaid Commiſſioners, or the major Part of them, aſſembled in Manner aforeſaid, ſhall, from Time to Time, direct and appoint. And, to the Intent that the ſaid Sums of Money, to be paid as aforeſaid, may be duly levied and collected to the Uſes of this Act; —

THAT it ſhall and may be lawful to and for the ſaid Collectors for the Time being, and every of them, ſo appointed, in Purſuance of this Act, from Time to Time, and at all convenient Times, to enter into any Ship, Veſſel, or Lighter, within the ſaid Port of Exeter, in Whole or in Part laden with Coals or Wine,

and to demand the Impoſitions hereby placed thereon for the ſame; and likewiſe to demand of the Collector of the Cuſtoms of the ſaid Port, a Liſt of the Quarters of Coals and Pipes of Wine imported, in all or any of the Ships, Veſſels, or Lighters, into the ſaid Port. And the ſaid Collector of the Cuſtom is hereby authorized and required to furniſh the Collector or Collectors appointed, in Purſuance of this Act with ſuch Liſts, taking a Fee of for every Liſt of the Number of Quarters of Coals and Pipes of Wine aboard each Veſſel, Ship, or Lighter, and no more. And, in Caſe the Maſter of ſuch Ship, Veſſel or Lighter, or other Perſon or Perſons having the Command thereof, ſhall, on Requeſt, neglect or refuſe to pay the ſaid Impoſitions on Coals and Wine, it ſhall be lawful to and for the ſaid Collector or Collectors to attach or diſtrain ſuch Ship, Lighter, or Veſſel, or any Tackle, Furniture, and Apparel thereof, until the ſaid Impoſitions ſhall be fully paid and ſatisfied.

To the Intent that the Conſumers of Coals and Wine may bear the Burthen of the Impoſitions hereby granted thereon, and may not be aggrieved by an Advance on the ſaid Commodities over and above the Sum or Sums of Money hereby impoſed, every Maſter of a Ship, Lighter, or other Veſſel, Merchant, or Dealer by Wholeſale or Retail, in ſelling the Commodities ſubject to the ſaid Impoſitions, may and ſhall demand, and be entitled to receive, of the Buyer, the Impoſts payable on the ſaid Commodities, or the juſt Share and Proportion thereof, to the loweſt Denomination of Coin current in this Kingdom, diſtinct and apart from the Price of the ſame, and no more. And every ſuch Merchant, Dealer, or Maſter of a Ship, Lighter, or other Veſſel, who ſhall refuſe ſo to diſtinguiſh the Price of the ſaid Commodities from the Impoſts payable thereon, or the juſt Proportion thereof, on the Requeſt of the Buyer, and after Notice given of the Requiſition of this Act, ſhall forfeit

THAT the ſaid Commiſſioners are hereby impowered and authorized to have a Common Seal; and likewiſe to raiſe ſuch Sum or Sums of Money, from Time to Time, as to them ſhall ſeem moſt expedient, by granting Annuities for Lives under their Common Seal, ſo that the Payments of ſuch Annuities ſhall not exceed One Hundred and Twenty Pounds, or ſhall borrow and take up at Intereſt any Sum or Sums of Money, provided that the Sums ſo raiſed do not altogether exceed the Sum of Eighteen Hundred Pounds, and that the ſaid Sums ſo raiſed ſhall be applied to defray the Expence of new paving the Streets, Ways, and Paſſages, of the ſaid City and County thereof, or to ſuch Parts thereof as to the ſaid Commiſſioners, or to the major Part of them, from Time to Time, ſhall be deemed fitting and expedient; and likewiſe to the purchaſing, erecting, and enlightening an additional Number of Lamps, and to the other Uſes of this Act. And that the ſaid Commiſſioners, or the major Part of them, may mortgage the ſaid Impoſts for ſecuring the Re-payment of the Money to be raiſed or borrowed as aforeſaid. The Number of Lamps to be regulated by the Commiſſioners, but to be ſubject to the ſame Regulations as the Lamps erected by Virtue of the former Act.

THAT any Perſon who ſhall make uſe of Coals, ſo unladen in the Port of Exeter, in the manufacturing of Woollen Cloths, may make Proof in Writing, by Oath, before a Juſtice of the Peace of the County wherein he lives, and uſually reſides, ſpecifying the Quantity of Coals ſo uſed; which Oath the Juſtice, to whom Application ſhall be made for that Purpoſe, is hereby authorized and required to adminiſter, and likewiſe to ſign the Writing, without exacting any Fee for the ſame; and ſuch Affidavit, ſo made and ſigned, ſhall be a ſufficient Warrant to the Treaſurer or Receiver of the ſaid Commiſſioners, to repay, to the Perſon ſo applying, the Duties before collected on the Coals, as aforeſaid, without Fee or Reward.

THAT upon and after the firſt Sunday after the firſt General Meeting of the ſaid Commiſſioners, there ſhall be paid to the Receiver or Receivers, Collector or Collectors of the Tolls, for the Time being, at the ſeveral Turnpike Gates, erected, or to be erected, in the Roads around, and neareſt to, the ſaid City, an additional Toll, equal to the Toll now paid, or hereafter to be paid, for all Horſes, Carts, Coaches, and Carriages, paſſing through the ſame. And the Receiver or Receivers, Collector or Collectors, of the ſaid Tolls, ſhall, for the ſaid Collection, receive ſuch Sum, not exceeding as the ſaid Commiſſioners ſhall adjudge. And ſuch Receiver or Receivers, Collector or Collectors, ſhall have the ſame Power of Diſtreſs, and be enabled to recover the ſaid Tolls; and, in Caſe of Actions being brought againſt them for any Thing done in Purſuance, ſhall be intitled to the like Advantages and Relief as is, or ſhall be, provided for them by the ſeveral Acts of Parliament, under which they now or hereafter may reſpectively act.

THAT the common Sewers of the ſaid City ſhall be veſted in the ſaid Commiſſioners: And that it ſhall be lawful for the ſaid Commiſſioners to open new common Sewers, when and where they ſhall judge expedient; and the common Sewers ſo opened ſhall be veſted in the ſaid Commiſſioners.

THAT the Monies raiſed by Virtue of this Act ſhall be veſted in the Commiſſioners, and ſhall be employed to the Purpoſes of this Act, and to no other Purpoſe whatſoever.

THAT the Commiſſioners may cauſe any Number of fixed or moveable Duſt-Boxes, Duſt-Holes, or other Conveniencies, wherein Duſt, Aſhes, and other Filth, may be be depoſited: And that the ſame be removed every Day, by the Perſons to be appointed by the Commiſſioners.

THAT no Perſon ſhall throw, caſt, or lay, Aſhes, Filth, Offal, Dirt, Rubbiſh, broken Glaſs, Earthen Ware, or other Annoyance, in any of the Streets, Lanes, Ways, Paſſages, and Places, of the ſaid City; but ſhall empty the ſame into the ſaid Duſt-Holes, on Penalty of forfeiting any Sum not exceeding Twenty Shillings.

THAT all Signs, Sign-Poſts, Sign-Irons, Penthouſes, Boards, Sheds, Spouts, Gutters, Steps, Bulks, encroaching on Street, beyond the Houſes to which they

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are affixed, or any Encroachment, Projection, or Annoyance whatſoever, already built, placed, or hung, or which ſhall hereafter be built, placed, or hung, in any of the Streets, Lanes, Ways, and Paſſages, within the ſaid City, ſhall be taken down and removed by the ſaid Commiſſioners or their Order.

THAT the Pavements of the ſaid City, which ſhall be dug up for laying or amending the Water Pipes, ſhall be repaired at the Expence of the Proprietor thereof, by the Paviours employed by the ſaid Commiſſioners.

THAT if any Perſon or Perſons ſhall for the future drive, carry, or place, or cauſe to be driven, carried, or placed, any Coach, Cart, Waggon, Dray, or Carriage whatſoever, or any Horſes (other than ſuch Carriage or Horſe which may ſtand for the Purpoſe of being laden or unladen), or any Caſks, Package, Timber, Stones, or any other Material or Thing, which may obſtruct the free Paſſage of any Path, Way, or Street, within the ſaid City and County thereof, which ſhall be contributory to the Aſſeſſments to be impoſed in Purſuance of this Act, after Hours Notice given by the ſaid Commiſſioners, or by any one of them, or by any Perſon or Perſons to be by them appointed for ſuperviſing, inſpecting, and removing, Nuiſances, Obſtructions, and other Annoyances, found within ſuch Part of the ſaid City and County as ſhall be contributory to the ſaid Aſſeſſments; or ſhall cauſe any Carriage or Horſe, which ſhall ſtand for the Purpoſe of being laden or unladen, to remain longer than is neceſſary for that Purpoſe, or ſhall not ſweep away the Straw, Filth, and Dung, occaſioned by ſuch Lading or Unlading, ſhall, for every ſuch Offence, forfeit any Sum not exceeding Ten Shillings. And that the ſaid Commiſſioners, or any of them, or any Perſon to be by them appointed as aforeſaid, ſhall ſeize ſuch Horſe, Carriage, &c. and detain the ſame, till the Driver or Owner thereof ſhall conſent to appear before Two Juſtices of the Peace of and for the ſaid County, and there to abide the Judgment of ſuch Juſtices, touching the Forfeiture of all and every of the ſaid Penalties; and likewiſe to detain and ſell ſuch Horſe, Carriage, &c. in Caſe the Driver or Owner thereof ſhall not, within Three Days after Conviction, pay the ſaid Penalty; and out of the Money ariſing from ſuch Sale, ſhall deduct the ſaid Forfeiture, the Coſts of the Conviction, and reaſonable Charges for keeping ſuch Horſe, Carriage, &c. and ſhall render the Overplus to the Owner or Driver reſpectively.

THAT Receivers or Collectors of Rates and Aſſeſſments ſhall be compelled to account, and to pay the Balance of this Account to the Commiſſioners, by Diſtreſs and Sale of Goods and Chattles, and, in Default of Diſtreſs, by Impriſonment.

THAT a like Remedy be provided againſt Executors or Adminiſtrators of ſuch Receivers or Collectors, ſo far as Aſſets have come to their Hands; and that Payment thereof may be pleaded in Bar to any Demand to be made by other Creditors of their reſpective Teſtators.

THAT Perſons paying the Rates hereby aſſeſſed, or ſerving in any Office under this Act, ſhall not thereby gain any Settlement.

THAT

THAT Appeal to the Quarter-Seſſions ſhall be given to any Party aggrieved by any Thing done in the Execution of this Act, whoſe Determination ſhall be final.

THAT no Writ of Certiorari ſhall iſſue to remove Proceedings; and that Proceedings ſhall not be void merely for Want of Form.

THAT all Forfeitures given by this Act ſhall be levied by Diſtreſs and Sale, on Conviction before Two Juſtices of the Peace; and, in Default of the Diſtreſs, the Offender to be committed, for any Term not exceeding Three Months, to the Common Goal or the Houſe of Correction.

THAT no Diſtreſs ſhall be deemed unlawful for any Want of Form, or Irregularity.

THAT no Suit or Action ſhall be commenced againſt any Perſon or Perſons, for any Thing done in Purſuance of this Act, until Thirty Days Notice ſhall be thereof given in Writing to ſuch Perſon or Perſons; nor after ſufficient Satisfaction, or Tender thereof, hath been made to the Party aggrieved; nor after Six Calendar Months next after the Fact committed, for which ſuch Suit or Action ſhall be brought.

THAT Defendants may plead the General Iſſue, and give the Special Matter in Evidence. And that if the Plaintiff ſhall become non-ſuit, or ſuffer a Diſcontinuance of his Action, or if a Verdict ſhall be given againſt him, the Defendant ſhall have treble Coſts.

THAT this Act ſhall not extend to the Diſtrict called the Cloſe of the Cathedral Church of St. Peter.

THAT this Act ſhall be a publick Act, and need not be ſpecially pleaded.

This Abſtract was read at a Meeting of the Gentlemen of the City, aſſembled at the Guildhall for the Purpoſe of taking the ſame into their Conſideration; and, at their Deſire, is now publiſhed. An Amendment has been propoſed, by ſubſtituting a Duty of Four-pence per Ton on all Commodities imported into the Port of Exeter, for the Uſe of the Inhabitants of the City, in the Place of the Duty propoſed to be laid on Wine. As the Mode of levying this Duty deſerves great Conſideration, it is not poſſible for the Perſon who drew this, without further Inquiry, to ſubmit any Thing to the Publick on that Subject.

F I N I S.

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